

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AHMED J. AWAN,	:	
	:	
Petitioner,	:	Civ. No. 14-3798 (RBK)
	:	
v.	:	OPINION
	:	
JORDAN R. HOLLINGSWORTH,	:	
	:	
Respondent.	:	
	:	

ROBERT B. KUGLER, U.S.D.J.

Petitioner is a former federal prisoner who was previously incarcerated at F.C.I. Fort Dix, in Fort Dix, New Jersey. He is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner challenges the Federal Bureau of Prisons’ (“BOP”) decision to deny his request for placement into a residential re-entry center (“RRC”).

On November 17, 2014, the Court issued an order to show cause on petitioner why his habeas petition should not be dismissed as moot as it came to the attention of the Court that petitioner had been released from federal incarceration. *See Moncrieffe v. Yost*, 397 F. App’x 738, 739 (3d Cir. 2010) (per curiam) (finding petitioner’s habeas moot where petitioner challenged BOP’s decision that he serve only the final 90-120 days in RRC as petitioner was released from BOP custody while appealing the denial of his habeas petition); *Kazanjian v. Scism*, No. 10-023, 2011 WL 531948, at *1 (M.D. Pa. Feb. 8, 2011) (finding petitioner’s habeas petition challenging RRC placement moot where he had been released from BOP custody). Petitioner was given twenty-one days in which to respond to the order to show cause. On December 12, 2014, this Court dismissed the habeas petition as moot after petitioner failed to

respond to the order to show cause within the applicable time frame. The case was then closed by the Clerk.

However, in a document dated December 10, 2014, received by the Clerk on December 12, 2014, but not docketed by the Clerk until December 31, 2014, petitioner requests an additional ninety days in which to respond to the November 17, 2014 order to show cause. The Clerk will be ordered to reopen this action so that this Court can rule on petitioner's request for an extension of time.

This Court has discretion to manage its docket. *See In re Lee*, 398 F. App'x 751, 753 (3d Cir. 2010) (per curiam) (citing *In re Fine Paper Antitrust Litig.*, 685 F.2d 810, 817 (3d Cir. 1982)). Petitioner's request for an extension of time to file a response to the order to show cause will be denied. First, petitioner's request for an extension of time was untimely filed as it was filed beyond the twenty-one day deadline the Court gave petitioner to file his response to the order to show cause.¹ Second, the Court does not see a need to grant petitioner's request for an extension of time. The petition is clearly moot based on the reasons stated in the December 12, 2014 Opinion. Petitioner gives no indication in his request for an extension of time that granting him additional time to respond would lead to a finding showing otherwise.

¹ This filing is not subject to the prisoner mailbox rule which would have deemed the request for an extension of time filed on the day he delivered it to prison officials for mailing as petitioner was not incarcerated at the time of the request. *See Houston v. Lack*, 487 U.S. 266, 270-71 (1988) (describing prisoner mailbox rule generally); *see also Henderson v. Frank*, 155 F.3d 159, 163-64 (3d Cir 1998) (using date prisoner signed petition as date he handed it to prison officials for mailing); *Maples v. Warren*, No. 12-0993, 2012 WL 1344828, at *1 n.2 (D.N.J. Apr. 16, 2012) ("Often times, when the court is unable to determine the exact date that a petitioner handed his petition to prison officials for mailing, it will look to the signed and dated certification of the petition.").

Accordingly, for the reasons stated above, the request for an extension of time to file a response to the order to show cause will be denied. An appropriate order will be entered.

DATED: January 15, 2015

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge